

Channel 38	Corpus Christi, TX	Sept. 20, 1996
Channel 69	Fredericksburg, VA	Sept. 20, 1996
Channel 66	Fairmont, West VA	Sept. 20, 1996
Channel 59	Vineland, NJ	Sept. 20, 1996
Channel 59	Laurel Hill, NC	Sept. 20, 1996
Channel 51	Hopkinsville, KY	Sept. 20, 1996
Channel 62	Lexington, KY	Sept. 20, 1996
Channel 63	Palatka, FL	Sept. 20, 1996
Channel 32	Myrtle Beach, SC	Sept. 20, 1996
Channel 59	Stuart, FL	Sept. 20, 1996
Channel 31	Kenansville, FL	Sept. 20, 1996
Channel 60	Sebring, FL	Sept. 20, 1996
Channel 21	Virginia Beach, VA	Oct. 1, 1996
Channel 24	Tallahassee, FL	Oct. 1, 1996
Channel 6	Silver City, NM	Oct. 1, 1996

B

****Service Areas Targeted by Marri Broadcasting, L.P.**

<i>City, State Channel</i>	<i>First Service</i>	<i>Second Service</i>	<i>Other Service</i>
Bishop, CA 20	X		
Charlotte Amalie, VI 43		X	
Corpus Christi, TX 38			X
Destin, FL 64	X		
Eldorado, AR 49		X	
Ely, NV 3	X		
Ely, NV 6		X	
Fairmont, WV 66	X		
Farwell, TX 18	X		
Fredericksburg, VA 69	X		
Goldfield, NV 7	X		
Gulf Shores, AL 55	X		
High Point, NC 67		X	
Hopkinsville, KY 51	X		
Inverness, FL 64	X		
Jackson, MS 51			X
Kenansville, FL 31	X		
Laurel Hill, NC 59	X		
Lexington, KY 62			X
Louisville, KY 21			X

<i>City, State Channel</i>	<i>First Service</i>	<i>Second Service</i>	<i>Other Service</i>
Magee, MS 34	X		
Marianna, FL 51	X		
McComb, MS 28	X		
Mobile, AL 61			X
Myrtle Beach, SC 32	X		
Odessa, TX 30			X
Paintsville, KY 69	X		
Palatka, FL 63	X		
Sebring, FL 60	X		
Selma, AL 29		X	
Silver City, NM 6	X		
Stuart, FL 59	X		
Tonopah, NV 9	X		
Tuscumbia, AL 52	X		
Vineland, NJ 59	X		
Warner Robins, GA 35	X		
Virginia Beach, VA 21	X		
Tallahassee, FL 24	X		
Christianstead, VI 15		X	

**Source, Broadcasting & Cable Yearbook 1996.

Underserved Areas Targeted By MARRI

Channel 51 Marianna, FL - Applying the "transmission test"^{1/} under which a proposed satellite community of license is considered underserved if there are two or fewer full-service stations already licensed to it, Marianna is not currently served by a television station licensed to it. The proposed satellite station would, therefore, provide service to an underserved area by providing a first local transmission service to Marianna.

Channel 34 - Magee, MS, Channel 28 - McComb, MS - The operation of Channel 34 at Magee, Mississippi, and Channel 28 at McComb, Mississippi, as satellite stations of Channel 51, Jackson, Mississippi, under the "transmission test" would provide service to underserved areas. The Channel 34 station would provide a first local transmission service to Magee.

Channels 3 & 6, Ely, Nevada - Grant of the channels 3 and 6 applications would provide (1) a first and second local transmission service to the community of Ely (2) eliminate a white area and a gray area to a population of 10,720 within 34,350 square kilometers, except for that area and population served by Station KSGI-TV, Channel 4, Cedar City, Utah and (3) provide a second and third local television service to the area and population to be served in common with Station KSGI-TV.

Channel 7 - Goldfield, Nevada, Channel 9 - Tonopah, Nevada - The grant of the channels 7 and 9 applications would provide (1) a first local transmission service to the community of Tonopah (2) a first local transmission service to the community of Goldfield and (3) eliminate a white area and a gray area to a population of 7,869 within 28,824 square kilometers.

Laurel Hill, NC - Channel 59 - Applying the "transmission test" Laurel Hill, is underserved because no television station is licensed to it. The proposed Channel 59 satellite station would, therefore, provide service to an underserved area.

Channel 59 - Stuart, FL, Channel 31 - Kenansville, FL - The grant of the Channel 31 and 59 applications would provide (1) a first local transmission service to the community of Stuart, (2) a first local transmission service to the community of Kenansville and (3) provide a fifth television service to an area within Okeechobee and St. Lucie Counties

^{1/} Television Satellite Stations, Report and Order, 6 FCC Rcd 4212 (1991)

("Order").

Channel 55 - Gulf Shore, AL, Channel 61 - Mobile, AL - The grant of the Channel 55 application would provide a first local transmission service to the community of Gulf Shores and the grant of the Channel 61 application would provide a fifth local commercial transmission service to Mobile.

C

MARRI BROADCASTING, LP
SAMPLE CENSUS DATA FOR APPLICATIONS ON FILE

CITY & STATE	4/1/90	7/1/90	7/1/91	7/1/92	7/1/93	7/1/94
Bishop, CA	3475	3473	3487	3496	3493	3507
Corpus Christi, TX	257453	258133	262454	266057	270881	275419
Destin, FL	8090	8238	8519	9180	9835	10431
El Dorado, AR	23146	23189	23406	23757	23842	23879
Farwell, TX	1373	1373	1415	1413	1416	1523
Fredericksburg, VA	19027	19329	19622	19335	20747	22160
Gulf Shores, AL	3261	3329	3517	3843	4112	4479
High Point, NC	69428	69500	70108	70411	71036	72208
Hopkinsville, KY	29818	29810	30006	31009	31486	32283
Inverness, FL	5797	5862	6005	6129	6202	6297
Jackson, MS	196637	196534	196094	195444	194202	193097
Lexington, KY	225366	226269	228695	232210	235424	237612
Magee, MS	3607	3607	3624	3596	3606	3789
Marianna, FL	6292	6318	6528	7067	7313	7541
McComb, MS	11797	11740	11666	11713	11799	12131
Mobile, AL	196263	196556	198360	201507	204358	204490
Myrtle Beach, SC	24848	25019	26476	27386	26968	28047
Odessa, TX	89699	89617	91589	93184	93924	94763
Paintsville, KY	4354	4352	4396	4481	4595	4655
Sebring, FL	8841	8911	9089	9221	9401	9558
Selma, AL	23755	23769	23900	24328	24445	24647
Silver City, NM	10683	10707	10965	11265	11277	11508
Stuart, City FL	11936	12012	12185	12271	12452	12588
Vineland, NJ	54780	54770	54772	54547	54614	54673

D

Vacant Television Allotments
Key

This list is of pending applications for vacant television allotments. The information was taken from the November 14, 1996 FCC Television Engineering Database. The information is sorted by state, city and channel number.

"E" = educational channel

"C" = commercial channel

"no app" means the number of applications pending for that channel allotment.

ST	CITY	CH	E/C	NO.	APP
---	-----	--	-	----	-----
AK	ANCHORAGE	09	E	1	
AK	FAIRBANKS	13	C	3	
AL	ARAB	56	C	1	
AL	DOTHAN	39	C	1	
AL	DOTHAN	60	C	2	
AL	GULF SHORES	55	C	2	
AL	MOBILE	61	C	3	
AL	OPELIKA	50	C	1	
AL	SELMA	29	C	2	
AL	TUSCALOOSA	23	C	3	
AL	TUSCALOOSA	39	E	1	
AL	TUSCUMBIA	52	C	1	
AR	EL DORADO	30	E	1	
AR	EL DORADO	43	C	6	
AR	EL DORADO	49	C	1	
AR	EUREKA SPRINGS	34	C	4	
AR	GOSNELL	46	C	2	
AR	HARRISON	31	C	4	
AR	HOT SPRINGS	20	E	3	
AR	LITTLE ROCK	36	E	1	
AR	RUSSELLVILLE	28	E	1	
AZ	COOLIDGE	43	E	3	
AZ	DOUGLAS	03	C	5	
AZ	FLAGSTAFF	09	C	2	
AZ	FLAGSTAFF	16	E	2	
AZ	HOLBROOK	11	C	5	
AZ	LAKE HAVASU CITY	34	C	2	
AZ	NOGALES	16	E	1	
AZ	PAGE	17	E	1	
AZ	PHOENIX	39	E	7	
AZ	SIERRA VISTA	58	C	2	
CA	BAKERSFIELD	39	E	1	
CA	BISHOP	20	C	4	
CA	SACRAMENTO	52	E	1	
CA	WEAVERVILLE	32	E	1	
CA	YREKA CITY	20	E	1	
CO	DURANGO	20	E	2	
CO	DURANGO	33	C	3	
CO	PUEBLO	26	C	2	
DE	SEAFORD	38	C	1	
FL	BRADENTON	19	E	1	
FL	CRYSTAL RIVER	39	E	1	
FL	DESTIN	64	C	6	
FL	GAINESVILLE	61	C	2	
FL	INVERNESS	64	C	1	
FL	KENANSVILLE	31	C	1	
FL	LAKE CITY	41	E	1	
FL	MARIANNA	16	E	1	
FL	MARIANNA	51	C	5	

ST	CITY	CH	E/C	NO.	APP
FL	PALATKA	42	E	2	
FL	PALATKA	63	C	2	
FL	SEBRING	60	C	1	
FL	STUART	59	C	3	
FL	TALLAHASSEE	24	C	12	
GA	WARNER ROBINS	35	C	1	
GU	AGANA	10	C	1	
HI	KAILUA	50	C	7	
HI	MILILANI TOWN	60	C	1	
HI	WAIMANALO	56	C	3	
IA	AMES	23	C	4	
IA	AMES	34	E	5	
IA	CARROLL	18	E	1	
IA	DAVENPORT	30	C	3	
IA	DES MOINES	43	E	6	
IA	DES MOINES	69	C	6	
IA	DUBUQUE	29	E	1	
IA	NEWTON	39	C	8	
IA	SIOUX CITY	44	C	3	
IA	WATERLOO	22	C	6	
ID	BOISE	14	C	2	
ID	IDAHO FALLS	20	C	2	
ID	POCATELLO	15	C	2	
ID	POCATELLO	25	C	2	
ID	POCATELLO	31	C	3	
ID	SUN VALLEY	05	C	8	
IL	DANVILLE	68	C	1	
IL	EDWARDSVILLE	18	E	1	
IL	GALESBURG	67	C	4	
IL	KANKAKEE	54	E	1	
IL	SPRINGFIELD	65	E	1	
KS	DODGE CITY	21	E	1	
KS	HOISINGTON	14	C	1	
KS	HUTCHINSON	36	C	4	
KS	PITTSBURG	14	C	2	
KS	TOPEKA	43	C	1	
KS	WICHITA	15	E	3	
KS	WICHITA	42	E	4	
KY	ASHLAND	50	C	1	
KY	HOPKINSVILLE	51	C	1	
KY	LEXINGTON	62	C	3	
KY	OWENSBORO	48	C	2	
KY	PAINTSVILLE	69	C	2	
LA	ALEXANDRIA	41	C	2	
LA	HAMMOND	62	C	1	
LA	MINDEN	21	C	8	
LA	NEW IBERIA	36	C	2	

ST	CITY	CH	E/C	NO.	APP
MA	PITTSFIELD	51	C	1	
MD	WALDORF	58	E	1	
ME	PRESQUE ISLE	62	C	2	
ME	WATERVILLE	23	C	9	
MI	ANN ARBOR	58	E	1	
MI	BAY CITY	61	C	2	
MI	IRONWOOD	24	C	3	
MI	ISHPEMING	10	C	4	
MI	MARQUETTE	19	C	6	
MI	PORT HURON	46	C	1	
MN	BEMIDJI	26	C	1	
MN	DULUTH	27	C	1	
MN	INTERNATIONAL FALLS	11	C	2	
MN	WALKER	38	C	1	
MN	WINONA	35	E	1	
MO	KANSAS CITY	68	E	1	
MO	SIKESTON	45	C	1	
MO	ST. LOUIS	40	E	1	
MS	CLARKSDALE	21	E	1	
MS	CLEVELAND	31	E	1	
MS	COLUMBIA	45	E	1	
MS	COLUMBUS	43	E	1	
MS	GREENVILLE	44	C	3	
MS	HATTIESBURG	47	E	1	
MS	HOUSTON	45	C	5	
MS	JACKSON	51	C	5	
MS	MAGEE	34	C	1	
MS	MCCOMB	28	C	1	
MS	NATCHEZ	42	E	1	
MS	SENATOBIA	34	E	4	
MS	TUPELO	35	C	2	
MS	VICKSBURG	35	C	4	
MS	WIGGINS	56	C	1	
MS	YAZOO CITY	32	E	1	
MT	BILLINGS	14	C	1	
MT	BUTTE	24	C	4	
MT	GREAT FALLS	26	C	4	
MT	HAVRE	09	C	1	
MT	LEWISTOWN	13	C	1	
MT	MISSOULA	17	C	5	
NC	ANDREWS	59	E	1	
NC	CANTON	27	E	2	
NC	FRANKLIN	56	E	1	
NC	GREENVILLE	38	C	8	
NC	HIGH POINT	32	E	1	
NC	HIGH POINT	67	C	1	
NC	LAUREL HILL	59	C	1	
NC	MANTEO	04	C	6	
NC	RALEIGH	34	E	2	

ST	CITY	CH	E/C	NO.	APP
---	-----	--	-	-	-
ND	BISMARCK	26	C	3	
ND	GRAND FORKS	27	C	1	
ND	MINOT	24	C	4	
NE	ALBION	18	C	1	
NE	LINCOLN	45	C	4	
NE	LINCOLN	51	C	3	
NE	OMAHA	48	E	1	
NE	SCOTTSBLUFF	16	C	1	
NJ	VINELAND	59	C	2	
NM	ALBUQUERQUE	14	C	4	
NM	CARLSBAD	25	C	1	
NM	ROSWELL	21	C	4	
NM	SANTA FE	09	E	3	
NM	SANTA FE	19	C	1	
NM	SILVER CITY	06	C	6	
NV	ELY	03	C	1	
NV	ELY	06	C	1	
NV	FALLON	25	E	1	
NV	GOLDFIELD	07	C	3	
NV	TONOPAH	09	C	3	
NV	TONOPAH	17	E	1	
NV	YERINGTON	16	E	1	
NY	ARCADE	62	C	10	
NY	CORNING	30	C	2	
NY	ITHACA	52	C	3	
NY	JAMESTOWN	46	E	1	
NY	LAKE PLACID	34	E	1	
NY	ROCHESTER	61	E	2	
NY	SARANAC LAKE	61	C	3	
NY	SCHENECTADY	29	E	1	
NY	SYRACUSE	56	C	4	
NY	UTICA	59	E	1	
OH	COLUMBUS	56	E	1	
OH	DEFIANCE	65	C	1	
OH	XENIA	32	C	1	
OH	YOUNGSTOWN	58	E	1	
OK	ELK CITY	31	C	1	
OK	ENID	26	E	1	
OK	GUYMON	09	C	1	
OK	MUSKOGEE	19	C	4	
OK	NORMAN	46	C	8	
OK	TULSA	63	E	7	
OR	GRANTS PASS	30	C	4	
OR	LA GRANDE	16	C	2	
OR	PENDLETON	11	C	3	
OR	PORTLAND	30	E	1	
OR	PORTLAND	40	E	2	
PA	LEBANON	55	C	1	
PA	STATE COLLEGE	29	C	2	

ST	CITY	CH	E/C	NO.	APP
--	-----	--	--	--	----
SC	AIKEN	44	E	1	
SC	COLUMBIA	47	C	1	
SC	GEORGETOWN	41	E	1	
SC	HORRY	32	C	1	
SC	MYRTLE BEACH	32	C	1	
SD	RAPID CITY	21	C	12	
SD	SIOUX FALLS	36	C	1	
SD	SIOUX FALLS	46	C	1	
TN	JOHNSON CITY	41	E	1	
TN	KNOXVILLE	26	C	3	
TN	MEMPHIS	14	E	2	
TN	NASHVILLE	42	E	1	
TN	TAZEWELL	48	C	6	
TN	TULLAHOMA	64	C	1	
TX	ABILENE	15	C	4	
TX	BEAUMONT	21	C	1	
TX	BIG SPRING	14	E	1	
TX	CORPUS CHRISTI	38	C	7	
TX	CROCKETT	40	C	1	
TX	DEL RIO	24	E	1	
TX	FARWELL	18	C	3	
TX	FORT WORTH	31	E	1	
TX	LAREDO	39	E	2	
TX	LONGVIEW	54	C	2	
TX	MARSHALL	35	C	1	
TX	MIDLAND	18	C	1	
TX	ODESSA	30	C	9	
TX	SAN ANGELO	21	E	1	
TX	SHERMAN	20	C	1	
TX	TEXARKANA	34	E	1	
TX	TYLER	14	C	1	
TX	UVALDE	26	C	2	
TX	VICTORIA	31	C	1	
TX	WOLFFORTH	22	C	2	
UT	LOGAN	12	C	2	
UT	LOGAN	22	E	2	
UT	OGDEN	18	E	2	
UT	OGDEN	24	C	3	
UT	PRICE	03	C	4	
UT	PRICE	15	E	1	
UT	PROVO	32	C	13	
UT	RICHFIELD	19	E	1	
UT	SALT LAKE CITY	20	C	3	
UT	SALT LAKE CITY	26	E	1	
UT	ST. GEORGE	18	E	1	
UT	VERNAL	06	C	1	
UT	VERNAL	17	E	1	
VA	FREDERICKSBURG	69	C	1	
VA	HAMPTON	55	E	1	
VA	RICHMOND	63	C	2	
VA	ROANOKE	60	C	1	
VA	VIRGINIA BEACH	21	C	22	

ST	CITY	CH	E/C	NO.	APP
VI	CHARLOTTE AMALIE	43	C	1	
VI	CHRISTIANSTED	15	C	3	
VI	ST. CROIX	27	C	1	
WA	BELLINGHAM	34	E	2	
WA	OLYMPIA	67	C	1	
WA	PULLMAN	24	C	2	
WA	SEATTLE	62	E	2	
WA	SPOKANE	34	C	14	
WA	VANCOUVER	14	E	1	
WA	WALLA WALLA	09	C	7	
WI	ANTIGO	46	C	3	
WI	CRANDON	04	C	5	
WI	GREEN BAY	44	C	1	
WI	MARSHFIELD	39	C	1	
WI	OSHKOSH	22	C	1	
WI	RICHLAND CENTER	45	C	1	
WI	SHEBOYGAN	28	C	1	
WI	WAUSAU	33	C	1	
WV	CHARLESTON	23	C	1	
WV	FAIRMONT	66	C	2	
WV	PARKERSBURG	39	C	1	
WY	CASPER	06	E	1	
WY	CASPER	13	C	1	
WY	JACKSON	11	C	4	
WY	LARAMIE	08	E	1	
WY	SHERIDAN	07	C	3	
WY	SHERIDAN	09	C	1	

E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Advanced Television Systems)	
and Their Impact upon the)	MM Docket No. 87-268
Existing Television)	
Broadcast Service)	

IRFA COMMENTS OF MARRI BROADCASTING, LP

MARRI Broadcasting, LP ("MARRI"), through its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.415, hereby submits its comments to the Initial Regulatory Flexibility Analysis ("IRFA") in response to the *Sixth Further Notice of Proposed Rule Making* in the above-captioned proceeding.¹

I. MARRI's Interest

MARRI separately submitted comments directly in response to the Commission's *Sixth Further Notice* and requests that the Commission incorporate the factual and legal arguments raised in those comments herein by reference.

MARRI is a company in all respects meeting the criteria for a broadcast "Small Business" as defined in the IRFA. It is independently owned and operated and is not dominant in its field. MARRI has annual Gross receipts below \$10.5 million dollars. These comments to the Commission's IRFA are filed

¹ In the Matter of *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Sixth Further Notice of Proposed Rule Making (released August 14, 1996) ("*Sixth Further Notice*").

consistent with MARRI's desire to respond constructively to the FCC's initiatives regarding opening the telecommunications market to small businesses^{2/}.

II. Background and Summary

The best definition of the important role small businesses can and should play in the development of the new era of broadcasting can be excerpted from a recent speech by FCC Chairman Reed Hundt:

..do we see a single-minded, aggressive entrepreneur...arm wrestling the new digital terrestrial technology into a good fit with a business plan? Will this sort of leadership develop if digital is divided into 1500 separate licenses and awarded to the 700 or so firms that own analog licenses? Government policy has fractionated the analog broadcast business. Even if it is good policy for other reasons, that fractionation makes it difficult for broadcasters as a group to develop a competitive business plan.

Time is on the side of the first movers in all digital businesses. That's why the FCC needs to get licenses for Digital TV out next year.

In the bigger markets, the business plans will make sense even assuming a small penetration. But in smaller markets the case may be tougher to make. And someone will need to help finance the digital system, particularly for smaller markets.

If as I suspect, the new Congress directs us to give the licenses away to today's broadcaster, many of those recipients, perhaps most, really don't have this particular present high on their Christmas list. They still regard Digital TV as a burden they are being asked to carry instead of a business opportunity they're being granted. If they are

^{2/} See, In the matter of Section 257 Proceeding to Identify and Eliminate Market Entry Barriers For Small Businesses, GN Docket No. 96-113, Order, 11 FCC Rcd 10043 (1996).

right, that's trouble; and if they're wrong, then their attitude is trouble for this nascent industry.

Every other industry that has asked for a spectrum grant from the public has tried to lay out a compelling vision for their spectrum use. That vision is persuasive with the FCC, they hope. But it also helps finance the new business.^{2/}

MARRI's business strategy seeks to combine the need for new television service in small markets with vacant allocations near major markets to serve those communities which are currently underserved.

III. Discussion

Three essential elements must be present for small business to develop the promise of advanced technology for smaller communities:

A. Rules should allow for mutual solutions to mutually exclusive applications

Where possible, mutually exclusive applicants should be free to seek settlement among themselves. Frequency coordination committees are not in a position to make business decisions for a company and its shareholders. Such coordination committees may be useful in suggesting ways to resolve the many potential interference problems that will arise. However, MARRI believes that conflict between mutually exclusive applicants should be resolved among the parties themselves.

^{2/} A New Paradigm for Digital Television - Speech by FCC Chairman Reed Hundt Digital Convergence Conference-New York, New York, September 30, 1996.

B. The rules should promote the rapid return of analog spectrum and transition to digital.

MARRI believes that the greatest impediment to developing an intelligent business plan for applicants such as MARRI is the uncertainty concerning the time frame in which digital spectrum will be ultimately available. Delays by parties unable to provide DTV service in the manner proposed by the Commission forestalls the provision of service by those applicants that are prepared to offer digital service. Such delays should not be tolerated by the Commission.

C. Flexible options should be developed that are able to meet the needs of unserved and the underserved markets.

The rules must allow for flexibility by allowing the formation of partnerships among applicants in order to efficiently utilize spectrum and speed the delivery of service to the public prior to a final decision concerning which entity should become the permanent licensee. If small business partnerships are not permitted, small companies seeking to operate in smaller communities are disadvantaged by not being able to function in rapidly maturing operating environments.

The Commission is familiar with the public interest benefits of a flexible operating approach through the use of its interim operating authority. Although interim operating authority is generally granted when a broadcast license has been revoked in order to provide uninterrupted service to the public,⁴ use of

⁴ See e.g. *In re Applications of Orion Communications, LTD. for Construction Permit for FM Broadcast Station WZLS Biltmore Forest, North Carolina: Biltmore Forest Radio, Inc. for Construction Permit for Joint*

such an approach could also advance the delivery of advanced television services as well.

Under an interim operating authority plan, mutually exclusive applicants would have the right to participate in the operation of a DTV station, on mutually agreeable terms and conditions, with other mutually exclusive applicants. The details of MARRI's interim operating plan for small businesses are attached at Exhibit A.

IV. Conclusion

The public can only benefit if the Commission develops flexible rules which are inclusive and designed to provide advanced services in the most expeditious manner possible. Small businesses are prepared to provide vital services in this regard. Accordingly, MARRI requests that the Commission give serious consideration to the comments it has raised herein and its proposed plan.

Respectfully submitted,

MARRI Broadcasting, LP

By: 

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A

SMALL BUSINESS SPECTRUM DEVELOPMENT PARTNERSHIP PLAN

A. Partnership Criteria

General Partners

- 1) Must be small business broadcast operators, meeting the Small Business Administration's ("SBA's") definition, i.e., among other things, a company engaged in the business of broadcasting with less than \$10.5 million in annual receipts.
- 2) Must have tendered an application to the Commission for an allocated channel that has been accepted for filing.
- 3) Must exhibit financial and operational capability to be able to construct and operate a station within 180 days.
- 4) Must meet the Commission's ownership and attributable interests rules without requiring a waiver.

Limited Partners

- 1) May be individuals or groups investing either capital and/or financial assets whose interest in the partnership is limited to promoting non-traditional commercial uses of broadcast spectrum.
- 2) Must have the ability to contribute research and development assistance as required by the General Partners.
- 3) Must meet Commission's eligibility standards for Commission licensees.
- 4) May include other mutually exclusive applicants with pending applications to construct a broadcast station for the same allocation.

B. Operating Procedures

A Partnership may seek Interim Operating Authority from the FCC for an allocated analogue and digital spectrum by:

- 1) Undertaking to negotiate a permanent settlement commencing during the 30 day "B" cut-off period between itself and other mutually exclusive applicants for the same channel which have applications that have been accepted for filing.
- 2) In the event a permanent settlement is not achieved within 90 days after the "B" cut-off period, the Partnership may submit evidence that it made a good faith effort, consistent with public interest standards, and sought to build a consensus to develop a mutually agreeable plan to put the spectrum into service within 180 days from the issuance of an authorization.
- 3) The Partnership may seek interim authority to permit the construction and operation of one transitional analogue channel and one digital channel with a duplicate service area for both conventional and non-conventional broadcast uses.
- 4) The Partnership must present a detailed Partnership Plan describing the respective roles of the Limited and General Partners and the overall operating plan and proposed source of funding.
- 5) The technical proposal would conform in all material respects with Commission rules and policies for NTSC and DTV service.